

**EXHIBIT E**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

MARSHALL E. BLOOMFIELD,

Petitioner-Judgment Creditor

07 CV 3934 Civil Action No.

- against -

DERMOT MACSHANE,

Respondent-Judgment Debtor

NOTICE OF PETITION  
FOR REMOVAL

-and-

SERGEANT'S BENEVOLENT ASSOCIATION  
ANNUITY FUND; THE CITY OF NEW YORK  
POLICE PENSION FUND AND THE FUND  
OFFICE OF LOCAL 580 OF ARCHITECTURAL  
AND ORNAMENTAL IRON WORKERS,

Respondents.



PLEASE TAKE NOTICE, that there is annexed hereto a Petition for Removal of the above captioned action from the New York State Supreme Court, Putnam County to the United States District Court, Southern District of New York.

Dated: Garden City, New York  
May 21, 2007

COLLERAN, O'HARA & MILLS, L.L.P.

Attorneys for Respondent

FUND OFFICE OF LOCAL 580 OF  
ARCHITECTURAL AND ORNAMENTAL  
IRON WORKERS

By:

JOHN STACKPOLE GROARKE (JG-9031)

1225 Franklin Avenue, Suite 450  
Garden City, New York 11530  
(516) 248-5757

TO: MARSHALL BLOOMFIELD, ESQ.  
349 East 149<sup>th</sup> Street  
Bronx, New York 10451-5603

ANNE PAXTON, ESQ.  
O'DWYER & BERNSTEIN, LLP  
Attorneys for Respondent  
SERGEANTS BENEVOLENT ASSOCIATION ANNUITY FUND  
52 Duane Street, 5<sup>th</sup> Floor  
New York, New York 10007

DERMOT MACSHANE  
1030 Hollywood Avenue  
Bronx, New York 10463

CITY OF NEW YORK POLICE PENSION FUND  
c/o Corporation Counsel  
100 Church Street  
New York, New York 10007

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARSHALL E. BLOOMFIELD,

Petitioner,

Civil Action No.:

- against -

DERMOT MACSHANE,

VERIFIED PETITION  
FOR REMOVAL

Respondent,

-and-

SERGEANT'S BENEVOLENT ASSOCIATION  
ANNUITY FUND; THE CITY OF NEW YORK  
POLICE PENSION FUND AND THE FUND  
OFFICE OF LOCAL 580 OF ARCHITECTURAL  
AND ORNAMENTAL IRON WORKERS,

Respondents.

X

TO: The Judges of the United States District Court  
for the Southern District of New York.

Respondents, LOCAL 580 PENSION FUND, ANNUITY FUND  
SUPPLEMENTAL FUND, INSURANCE FUND, i/s/h/a the FUND OFFICE OF  
LOCAL 580 OF ARCHITECTURAL AND ORNAMENTAL IRON WORKERS  
("LOCAL 580 FUNDS"), by their attorneys, COLLERAN, O'HARA & MILLS, L.L.P.  
do hereby allege under penalty of perjury that:

1. On or about the 8th day of May, 2007, an action was commenced by the Petitioner, MARSHALL E. BLOOMFIELD, against the Respondents, LOCAL 580 FUNDS by Filing of an Order to Show Cause, Verified Petition and Memorandum of Law in Support of the Petition in the Supreme Court of the State of New York,

County of Putnam entitled "Marshall E. Bloomfield, Petitioner Creditor against Dermot MacShane, Respondent and Sergeant's Benevolent Association Annuity Fund, The City of New York Police Pension Fund, and the Fund Office of Local 580 of Architectural and Ornamental Iron Workers, Respondents and bearing Index Number 969/07. A copy of the Order to Show Cause, Verified Petition and Memorandum of Law in Support of the Petition with Exhibits, are annexed hereto as Exhibit "A". Upon information and belief, said Exhibit "A" constitutes all pleadings and orders filed to date in the Supreme Court proceeding.

2. The time for answering or otherwise pleading to the aforesaid proceeding has not expired.

3. Petitioner, MARSHALL E. BLOOMFIELD, is the former attorney for the Respondent Dermot McShane and maintains his office at 349 East 149th Street, Bronx, New York 10451.

4. The Respondent, LOCAL 580 FUNDS, are "employee benefit plans" and "multi-employer plans" within the meaning of §3(3) and (37) of ERISA, 29 U.S.C. §§1002(3) and (37). Said are jointly administered labor-management trust funds established under §302 at the Labor Management Relations Act (LMRA"), 29 U.S.C. §186. LOCAL 580 FUNDS maintain their offices at 501 West 42<sup>nd</sup> Street, New York, New York.

5. In its Verified Petition, Petitioner, MARSHALL E. BLOOMFIELD seeks an Order against Respondent LOCAL 580 FUNDS directing LOCAL 580

FUNDS to remit up to the sum of \$31,855.89 to the Petitioners for allegedly monies assigned by Respondent DERMOT MACSHANE to the Petitioner.

6. The Petitioner proceeding against LOCAL 580 FUNDS is barred by Employee Retirement Income Security Action of 1974. ("ERISA"). Section 206(d)(1) of ERISA provides that pension plan benefits may not be assigned or alienated.

7. This Court has original jurisdiction under the provisions of ERISA §206(d)(1).

8. Attached to this Verified Petition for Removal as Exhibit "B" is a copy of the "Notice of Filing of Verified Petition for Removal of Cause to the United States District Court for the Southern District of New York" that will be served contemporaneously herewith upon all parties and filed with the Clerk of the Supreme Court, County of Putnam.

WHEREFORE, for the above reasons, Respondent, FUND OFFICE OF LOCAL 580 OF ARCHITECTURAL AND ORNAMENTAL IRON WORKERS and the FUNDS respectfully request that the proceeding pending against them in the Supreme Court of the State of New York, County of Suffolk be removed therefrom to this Court and for such other and further relief as to this Court seems just, equitable and proper.

Dated: May 21, 2007  
Garden City, New York

Respectfully submitted,

COLLERAN, OHARA & MILLS, L.L.P.

By:   
JOHN STACKPOLE GROARKE (JG-9031)

Attorneys for Respondent  
FUND OFFICE OF LOCAL 580 OF  
ARCHITECTURAL AND ORNAMENTAL  
IRON WORKERS  
1225 Franklin Avenue, Suite 450  
Garden City, New York 11530  
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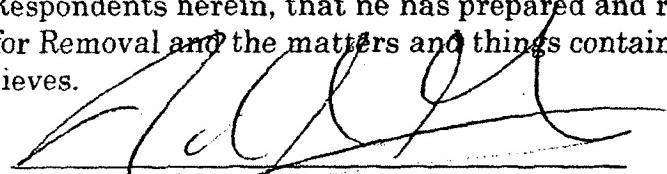
ANNE PAXTON, ESQ.  
O'DWYER & BERNSTEIN, LLP  
Attorneys for Respondent  
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New York, New York 10007

CITY OF NEW YORK POLICE PENSION FUND  
Respondent  
c/o Corporation Counsel  
100 Church Street  
New York, New York 10007

VERIFICATION OF PETITION FOR REMOVAL

STATE OF NEW YORK )  
                        )ss:  
COUNTY OF NASSAU )

JOHN STACKPOLE GROARKE, of lawful age, being sworn upon his oath says that he is an attorney for Respondents herein, that he has prepared and read the foregoing Verified Petition for Removal and the matters and things contained therein are true as he verily believes.



JOHN STACKPOLE GROARKE (JG-9031)

Subscribed and sworn to before me  
this 21st day of May, 2007.

Joan Cancellieri  
NOTARY PUBLIC

JOAN CANCELLIERI  
Notary Public, State of New York  
No. 01CA6041601  
Qualified in Nassau County  
Commission Expires 5/8/10